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October 30, 2023

VIA CM/ECF ONLY

Hon. Andrew T. Baxter
U.S. Magistrate Judge
U.S. District Court, Northern District of New York
James M. Hanley Federal Building & U.S. Courthouse
100 S. Clinton Street
Syracuse, New York 13261

RE: COMPAGNI v. TOWN OF CORTLANDVILLE, ET AL
Case No : 5:20-CV-00489 – GTS-ATB

Dear Judge Baxter:

It has been brought to my attention that defendant John Folmer, who is named in this action as a defendant in his individual and official capacity, passed away on or about May 28, 2023. While the parties were aware of this, and have proceeded with some discovery since then, it seems that the action should have been stayed, pending substitution of his Estate, since an action cannot proceed against a decedent.

We are working on completing discovery, however, we await the Court's guidance as to whether proceedings should be stayed under the circumstances.

Thank you for your attention to this matter.

Respectfully Submitted,

NASH CONNORS, P.C.

/s/ Philip M. Gulisano

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cc. Jesse Ryder, Esq. (via CM/ECF only)